

Form No.HC.JD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

W.P. No.12086 of 2021

Performance Automotive (Pvt.) Ltd. **Versus** Porsche Middle East and
Africa FZE, etc.

Sr. No. of Order/ Proceeding	Date of Order/ Proceeding	Order with Signature of Judge, and that of parties or counsel, where necessary
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28.06.2021 Barrister Haroon Dugal, ASC along with Ms. Samia Khalid, M/S Haider Noor Dugal, Fahad Iftikhar Gujjar, Muhammad Hamza, Subeh Nasib and Shahrukh Shaikh, Advocates for the Petitioner.
M/s. Muhammad Osman Khan, Muhammad Ali Khan and Junaid Khan Advocate for the Respondents.
Mirza Nasar Ahmad, Additional Attorney General, Ms. Sadia Malik, Assistant Attorney General for Pakistan, Barrister Amina Qadir, Mr. Jahanzeb Sukhera and Barrister Mehek Zafar Advocates.
Mian Muhammad Kashif, ASC on Court's call.

Pursuant to the order dated 17.06.2021, this Court after hearing preliminary arguments, with the concurrence of learned counsel for the Parties framed as many as eight (08) constitutional moot points, on the nub of the matter under Article 201 of the Constitution of the Islamic Republic of Pakistan, 1973 (the "Constitution"). As this Petition has been filed under Article 199 of the Constitution seeking judicial review of the orders of the learned Commercial Court and Commercial Appellate Court, Lahore, therefore, this Court has to (i) decide the question of law; (ii) enunciate the principles of law; and (iii) elaborate the doctrine in law in order to develop the *ratio decidendi*, *obiter dicta* and *stare decisis* of the issues in this case.

2. Barrister Mehek Zafar Advocate has submitted her written submissions by relying on certain judgments. Copies of the same have been handed over to learned counsel for Parties.

3. Barrister Amina Qadir, Advocate has also submitted her brief by relying on the judgment passed by my learned brother Shahid Karim, J. cited as “Louis Dreyfus Commodities Suisse S.A v. Acro Textile Mills Ltd.” (2018 PLD 597 Lahore).

4. As the case relates to applicability of Foreign Award under the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act 2011, therefore, keeping in view the importance of the matter, **Mr. Ali Almani, ASC (Fazleghani Advocates, F72/1, Block 8, KDA, Scheme 5, Clifton, Karachi-75600) [Cell#.0345-2266645]** who has extensive experience along with his Senior Partner Mr. Makhdoom Ali Khan, Sr.ASC in conducting International Arbitrations, is hereby appointed as *Amicus Curiae* in order to assist this Court in the matter on the constitutional moot points. He will be assisted by Barrister Amina Qadir, Mr. Jahanzeb Sukhera and Barrister Mehek Zafar, Advocates. Office is directed to send this file along with copy of this order to the learned *Amicus Curiae*, forthwith.

5. Arguments have been partly heard. Re-list on 23.08.2021. Learned counsel for Parties as well as learned *Amicus Curiae* shall file their written arguments on or before the said date.

**(JAWAD HASSAN)
JUDGE**